

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1802.3.C.1.1 to permit a rear yard setback of 23.5 feet in lieu of the required 30 feet.

1. Cannot enclose and extend existing porch because it is too close to the rear property line.
2. We have more than adequate distance from other neighborhood dwellings and property lines, but the property has been reserved by the county because of the stream in the rear of our property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th day of August, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1987, at 9:30 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1987.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on 1987.

THE JEFFERSONIAN,

33.96

PETITION FOR ZONING VARIANCE
3rd Councilmanic District
Case No. 88-109-A
LOCATION: East Side of Woodfork Road, 415 feet North of Pine Valley Drive (2111 Woodfork Road)
DATE AND TIME: Tuesday, September 22, 1987 at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner shall, however, entertain any request for a stay of the issuance of said permit during a period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of:
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1987, Sept. 22

IN RE: Petition for Zoning Variance * BEFORE THE
E/S Woodfork Road, 415 feet * ZONING COMMISSIONER
North of Pine Valley Drive * OF BALTIMORE COUNTY
(2111 Woodfork Road)
8th Election District * CASE 88-109-A
3rd Councilmanic District *
Richard W. Tucker, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 23.5 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. The Protestants are John Lawyer, Anthony J. Tampieri, Gloria Hernan and C. Barry Carpenter.

Testimony indicated that the subject property, located on Woodfork Road is zoned D.R. 3.5 and is improved with a single family dwelling unit. The Petitioner wishes to add a room to the rear of the house. There will be no basement and the addition is to be one story. The room will be used as a family room and play area. The Petitioners state that they have no intention of adding an apartment or second dwelling. They understand no other family unit can live in the house.

The addition cannot be placed on the front or south side of the house without a variance. The addition cannot be placed on the north side of the house without substantial changes to the house and the destruction of the off-street parking area.

The Protestants believe the house is being converted into apartments. Mr. Tampieri does not want the neighborhood changed and a large number of additions on the houses are unacceptable to him. They do not want a boarding house created in this house.

WHEN RECEIVED FOR FILING
Date
By

88-109-A
4497
Richard W. Tucker, et ux
E/S Woodfork Rd., 415' N of Pine Valley Dr., (2111 Woodfork Rd.)
Towson, MD 21204
3rd CD.

PETITION FOR ZONING VARIANCE

8th Election District - 3rd Councilmanic District
Case No. 88-109-A

LOCATION: East Side of Woodfork Road, 415 feet North of Pine Valley Drive (2111 Woodfork Road)

DATE AND TIME: Tuesday, September 22, 1987, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a rear yard setback of 23.5 feet in lieu of the required 30 feet

Being the property of Richard W. Tucker, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

The Petitioners request relief from Section 1802.3.C.1.1, pursuant to the Section 307, Baltimore County Zoning Regulations.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. (1974).

It is clear from the testimony that if a variance were granted, such use would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if a variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, variance will not be detrimental to the public, health, safety, and general welfare.

THEREFORE, It is Ordered, by the Zoning Commissioner of Baltimore County, this 23rd day of October, 1987 that a variance to permit a rear yard setback of 23.5 feet in lieu of the required 30 feet is hereby GRANTED from and after the date of this Order subject to the following:

-2-

ZONING DESCRIPTION

Beginning on the east side of Woodfork Road at the distance of 415 feet north of Pine Valley Drive, Being Lot 1, Block D, in the subdivision of Valleywood. Book No. 29 R.R.G. Folio 25. Also known as 2111 Woodfork Road in the 8th Election District. Containing Approximately 0.25 Ac.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th
Posted for: Variance
Petitioner: Richard W. Tucker, et ux
Location of property: E/S Woodfork Rd., 415' N of Pine Valley Dr.
2111 Woodfork Rd.
Location of Signs: 2111 Woodfork Rd., across 70' E. on roadway.
on property of Petitioner
Remarks: Sign down - replace
Posted by: Matthew
Signature
Number of Signs: 1
Date of Posting: 9/14/87
Date of return: 9/14/87

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return and be responsible for returning said property to its original condition.
- The house and property may not be used as a two family dwelling unit.
- The house may have only one kitchen unit and no apartment on the subject property.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

88-109-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of August, 1987

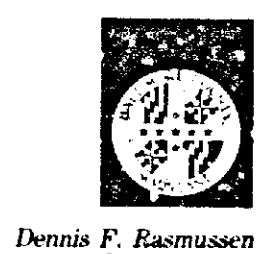
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Richard W. Tucker, et ux Received by: J. Robert Haines
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2536
484-4500
Paul H. Reincke
Chief

June 11, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Richard Tucker, et ux

Location: E/S Woodfork Rd., 415' N. Pine Valley Drive

Item No.: 497 Zoning Agenda: Meeting of 6/9/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. J. Kelly, 6-5-87 Noted and Approved:
Planning Group Fire Prevention Bureau
Special Inspection Division

John F. O'Neill
Fire Prevention Bureau

/s/

JUL 28 1988

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1987

Mr. Richard W. Tucker
2111 Woodfork Road
Timonium, Maryland 21093

RE: Item No. 497 - Case No. 88-109-A
Petitioner: Richard W. Tucker, et ux
Petition for Zoning Variance

Dear Mr. Tucker:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: September 3, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-16-SPH, 88-103-A,
88-104-A, 88-105-A, 88-106-A, 88-108-A,
SUBJECT: 88-109-A, 88-110-A, 88-111-A, 88-112-A

There are no comprehensive planning factors requiring comment on the above numbered petitions.

Norman E. Gerber, AICP
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
SEP 14 1987

ZONING OFFICE

CPS-008

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
No. 37888
MISCELLANEOUS CASH RECEIPT

DATE	ACCOUNT
SIGN & POST RETURNED	AMOUNT \$
RECEIVED FROM	Mrs. Michele D. Tucker, 2111 Woodfork Rd., Timonium, Md. 21093
FOR	ADVANTISING A POSTING OF CASE 88-109-A
8 8716*****321614 12761	
VALIDATION ON SIGNATURE OF CASHIER	

J. ROBERT HAINES
ZONING COMMISSIONER
September 15, 1987

Mr. Richard W. Tucker
Mrs. Michele D. Tucker
2111 Woodfork Road
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
E/S Woodfork Rd., 415' N of Pine Valley Dr.
(2111 Woodfork Rd.)
8th Election District - 3rd Councilmanic District
Richard W. Tucker, et ux - Petitioners
Case No. 88-109-A

Dear Mr. and Mrs. Tucker:

This is to advise you that \$93.16 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:med



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

XXXXXXXXXXXXX
XXXXXXXXXXXXX
C. Richard Moore
Acting Director

June 11, 1987

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 495, 497, and 498.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting September 3, 87
Posted for: Variance
Petitioner: Richard W. Tucker, et ux
Location of property: E/S Woodfork Rd. to E/S N. of Pine Valley Dr.
Location of Sign: On post of 2111 Woodfork Road
Remarks: J. J. Haines
Posted by: J. J. Haines Date of return September 11, 87
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

October 23, 1987



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Richard Tucker
2111 Woodfork Road
Timonium, Maryland 21093

Re: Petition for Zoning Variance
Case Nos. 88-109A

Dear Mr. and Mrs. Tucker:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Zoning Variance has been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mn
enclosure

Mr. Richard W. Tucker
Mrs. Michele D. Tucker
2111 Woodfork Road
Timonium, Maryland 21093

August 18, 1987

NOTICE OF HEARING

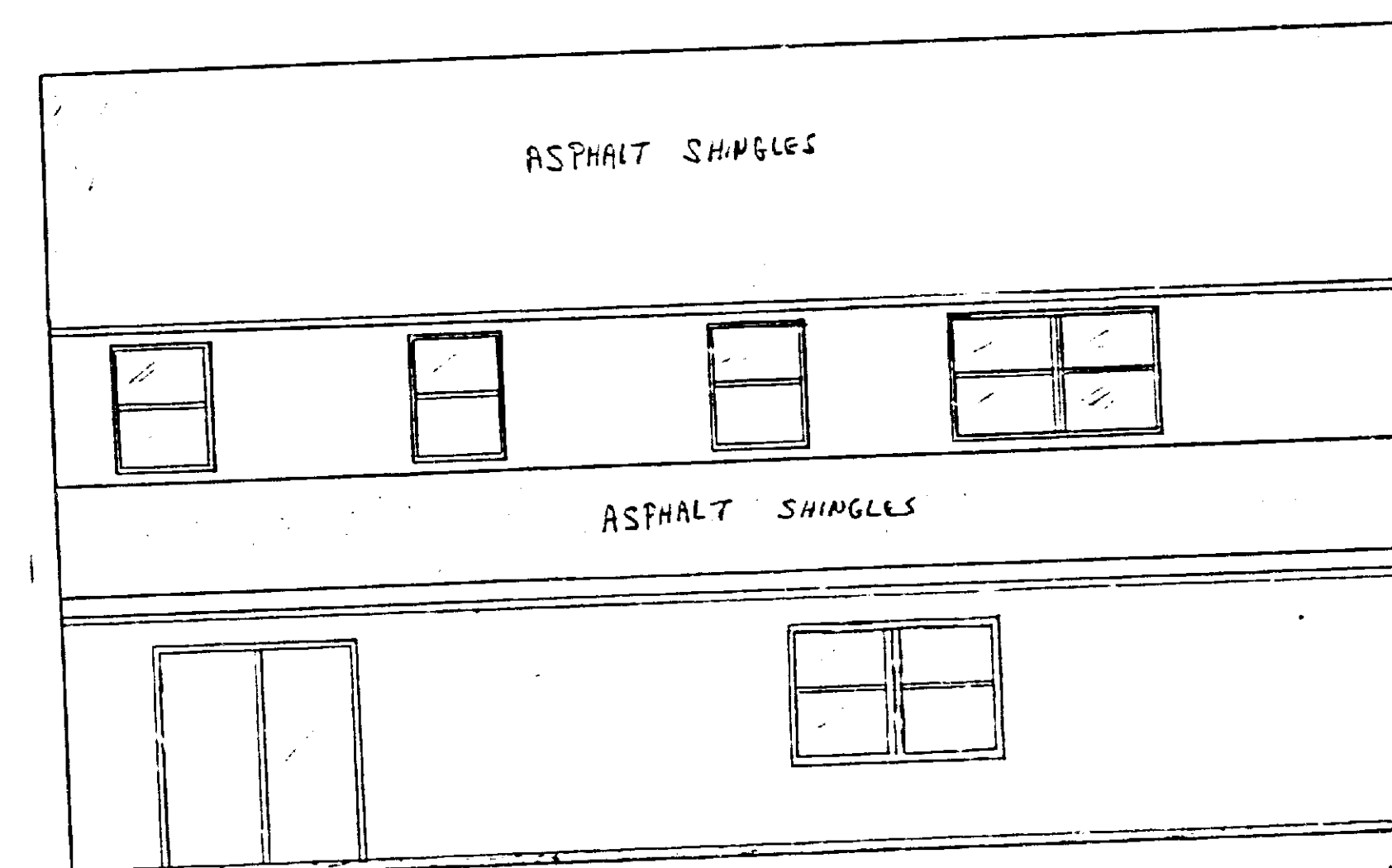
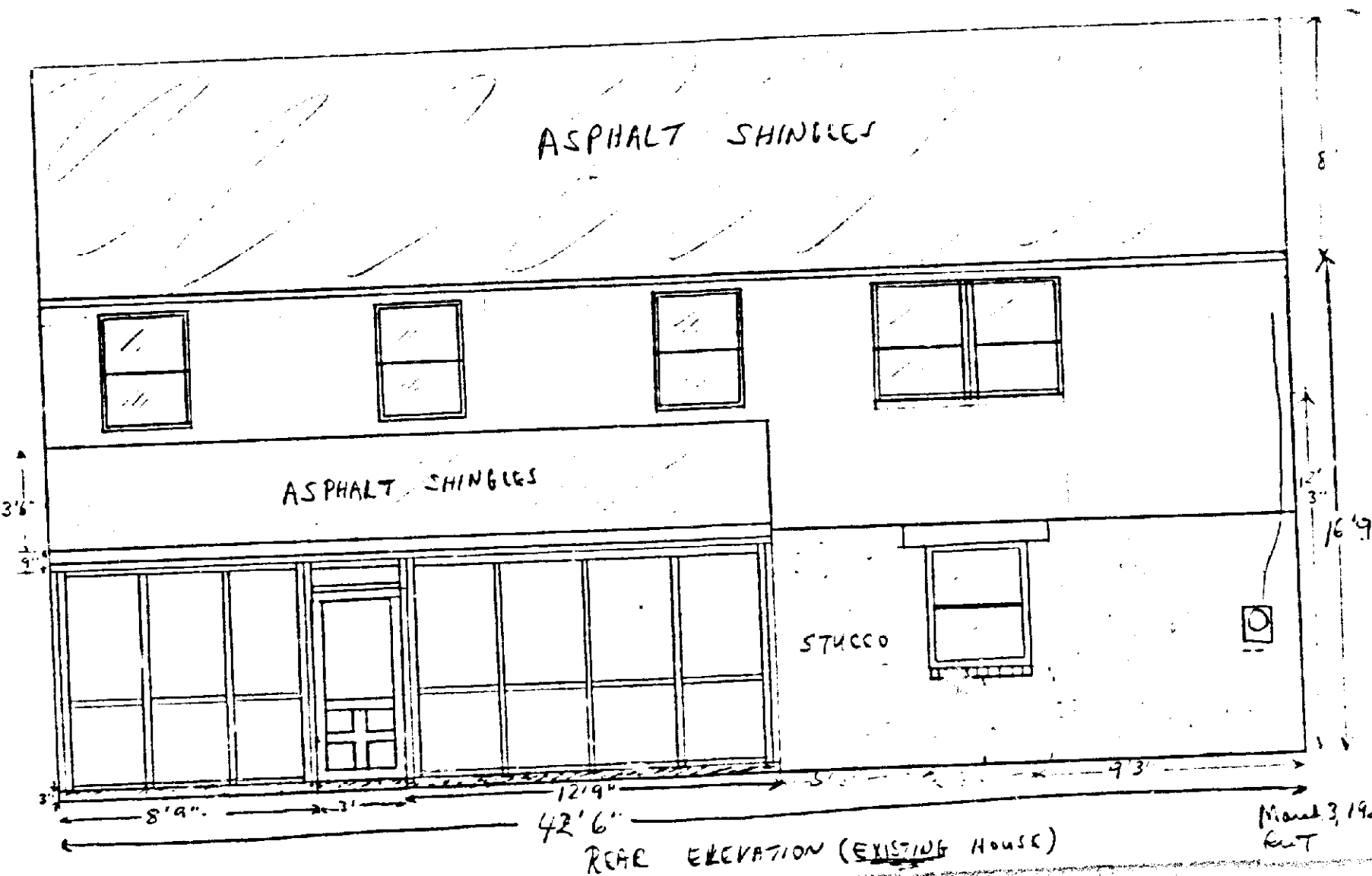
RE: PETITION FOR ZONING VARIANCE
E/S Woodfork Rd., 415' N of Pine Valley Dr.
(2111 Woodfork Rd.)
8th Election District - 3rd Councilmanic District
Richard W. Tucker, et ux - Petitioners
Case No. 88-109-A

TIME: 9:30 a.m.
DATE: Tuesday, September 22, 1987
PLACE: Room 1C, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 36153

DATE	ACCOUNT
15-6-87	01-615-000
AMOUNT \$	35.00
PAID BY	Richard Tucker
DATE	16-6-87
NO.	# 497
B	D151*****352014 6266F
VALIDATION ON SIGNATURE OF CASHIER	



RECREATION ROOM ADDITION
FRONT ELEVATION

March 3, 1987
CUT

JUL 28 1988

